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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/028,821 | 12/28/2001 | Chia-Chi Chang | BHT-3212-4 | 5552 |
| 7590 | 10/19/2006 | | EXAMINER | |
| TROXELL LAW OFFICE PLLC SUITE 1404 5205 LEESBURG PIKE FALLS CHURCH, VA 22041 | | | GREIMEL, JOCELYN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3693 | |

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------|-----------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/028,821 | CHANG, CHIA-CHI |
| | Examiner | Art Unit |
| | Jocelyn Greimel | 3693 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 28 December 2001.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-30 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-30 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to Applicant's application of December 28, 2001, which also has a foreign application filing 90127037/Taiwan filed December 31, 2001. Claims 1-30 are currently pending and are presented to be examined upon their merits. Claims 1, 7, 16 and 22 are independent claims.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. **Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenna et al (US Patent No. 6,108,641, hereinafter Kenna) as applied to claims 1, 7,**

16 and 22, and further in view of Rush et al (US Patent No. 6,981,222, hereinafter Rush).

5. In reference to claims 1 and 16, Kenna discloses a method and system comprising:

- a. a receiving module for receiving a request information representing the request from said person, the request information comprising a communication number associated with the communication device (col. 5, lines 19-40), and generating an inquiry information responsive to the request information (col. 5, lines 41-56);
- b. an inquiring module for receiving the inquiry information from said receiving module and the communication number (col. 5, lines 19-40),
- c. a processing module for receiving a response information responsive to the inquiry information through said inquiring module, and selectively opening said account in accordance with said response information (col. 5, lines 19-67; col. 6, lines 1-34).

6. Kenna does not disclose transmitting the inquiry information to the communication device to contact said person according to the communication number. Rush does disclose transmitting the inquiry information to the communication device to

contact the person according to the communication number (col. 2, lines 44-55). It would have been obvious to one skilled in the art at the time of the invention to have used the authentication feature of transmitting the inquiry information to the communication device to contact the person according to the communication number of Rush with the account opening function of Kenna. This feature would increase security while opening the account thereby protecting the issuing company and the potential client. Both Kenna and Rush deal with on-line, computerized processing methods in the financial field and it would have been obvious to add the well-known authentication feature to Kenna's design for security and efficiency reasons.

7. In reference to claims 7, 15, 22 and 30, Kenna discloses a method and system comprising:

- d. a receiving module for receiving a request information representing the request from said person, the request information comprising a communication number associated with said person and an identification information associated with said second account (col. 5, lines 23-40), and generating an inquiry information responsive to the request information (col. 5, lines 41-56);

- e. an inquiring module for receiving the inquiry information from said receiving module and the communication number (col. 5, lines 41-56);

f. and an identifying module for receiving the identification information associated with said second account, and according to the identification information associated with said second account, identifying whether said second account is valid (col. 5, lines 57-67; col. 6, lines 1-34);

g. and when said identifying module identifies that the account is valid, opening the first account, and transferring the predetermined amount of money from the valid second account into the first account opened (col. 5, lines 57-67; col. 6, lines 1-34).

8. Kenna does not disclose a system:

h. that transmits the inquiry information to contact the person to identify whether said request is asserted by the person according to the communication number;

i. with a processing module for when the inquiring module identifies that the request is asserted by the person, and when said identifying module identifies that the account is valid, opening the first account, and transferring the predetermined amount of money from the valid second account into the first account opened.

9. Rush does disclose a method and system:

- j. that transmits the inquiry information to contact the person to identify whether said request is asserted by the person according to the communication number (col. 2, lines 44-55);
- k. with a processing module for when the inquiring module identifies that the request is asserted by the person, and when said identifying module identifies that the account is valid (col. 2, lines 44-55), opening the first account, and transferring the predetermined amount of money from the valid second account into the first account opened (as evaluated supra).

10. It would have been obvious to one skilled in the art at the time of the invention to have used the authentication feature of: (1) transmitting the inquiry information to contact the person to identify whether said request is asserted by the person according to the communication number and (2) a processing module for when the inquiring module identifies that the request is asserted by the person, and when said identifying module identifies that the account is valid, opening the first account, and transferring the predetermined amount of money from the valid second account into the first account opened of Rush with the account opening function of Kenna. This feature would increase security while opening the account thereby protecting the issuing company and the potential client. Both Kenna and Rush deal with on-line, computerized processing methods in the financial field and it would have been obvious to add the well-known authentication feature to Kenna's design for security and efficiency reasons.

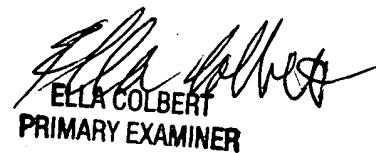
11. In reference to claims 2, 8, 17 and 23, Kenna discloses the method and system wherein the processing module opens the account, the processing module also defines an account number associated with the account (col. 5, lines 23-56; *setting the "master identification number" of the transaction to be the same as the account number is a business design choice*).
12. In reference to claims 3, 9, 18 and 24, Kenna discloses the method and system wherein the response information comprises a first password defined by the person, and when the processing module opens the account (col. 5, lines 23-56; *setting the number of passwords for account access is a business design choice*).
13. In reference to claims 4, 19 and 25, Kenna discloses a method and system wherein the inquiry information is transmitted in a form of a short message (col. 5, lines 23-40; *the system optionally requests information*).
14. In reference to claims 5-6, 11-14, 18-21 and 26-27, Kenna discloses the account being a virtual account used over a network (col. 10, lines 4-19; figures 6-7). The data processing system could also be a stored-value data card and an on-line transaction account (*Kenna discloses real-time applications within the network. Internet capability and the description of the financial account is a business design choice*)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jocelyn Greimel whose telephone number is (571) 272-3734. The examiner can normally be reached Monday - Friday 8:30 AM - 4:30 PM EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached at (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jocelyn Greimel
Examiner, Art Unit 3693
October 13, 2006



ELLA COLBERT
PRIMARY EXAMINER